

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

Michelle H., by her next friend, Tamara Coppinger, <i>et al.</i> ,	)	
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	)	
Plaintiffs,	)	C.A. No. 2:15-0134-RMG
	)	
vs.	)	
	)	
Henry Dargan McMaster, in his official capacity as Governor of South Carolina, and Michael Leach, as State Director of the South Carolina Department of Social Services,	)	
	)	<b>ORDER</b>
	)	
Defendants.	)	
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The Court sets the next status conference in this matter for December 15 , 2023, at 10:00 a.m., which will be conducted via telephone conference. The status conference shall be attended by counsel of record, the State Director of DSS, staff members responsible for budgetary matters, other DSS executive staff whom the Director deems necessary to address issues set forth below, and the Co-Monitors.

DSS is directed to provide the Court with the following information no later than 12:00 p.m. on December 8, 2023:

1. Monthly data on the number and percentage of foster children in congregate care facilities from December 1, 2022 to the present. This information should include total numbers as well as broken down by the following age groups: 0-6, 7-12, and 13-17 years old.
  
2. Monthly data on the total number of licensed foster parents from December 1, 2022 to the present. This information should include total numbers as well as broken down by

kin/fictive kin, unrelated, and temporary licenses. Further, provide the monthly data on pending kin/fictive kin and unrelated foster parent applications.

3. Monthly data on the number and percentage of foster children in kin/ fictive kin placements from December 1, 2022 to the present.

4. Monthly data by numbers and percentages on the status of OHAN investigations from December 1, 2022 to the present, including timely opening and closing of files, cases in which all core witnesses were contacted, and founded and unfounded cases.

5. Monthly data on attrition of foster care staff from December 1, 2022 to the present broken down as follows:

- A. Total number of foster care staff who have left the agency;
- B. Total number of foster care staff who vacated their positions due to transfer or promotion;
- C. For foster care staff who have left the agency, the number who were employed for one year or less, and the number who had been employed longer than one year.

6. Monthly data since December 1, 2022 on DSS meeting its interim benchmarks under the Healthcare Plan for regular physician, dental, and other required visits, as well as scheduling follow-up care and assessments from such regular visits. State with specificity actions DSS has undertaken to improve its performance in meeting the benchmarks of the Healthcare Plan.

7. Monthly data since December 1, 2022 for caseloads of all caseworkers responsible for *Michelle H.* class members and the number and percentage of caseworkers with caseloads which meet the interim benchmarks.

8. Monthly data on the total number of children in foster care from December 1, 2022 to the present.

9. Monthly data since December 1, 2022 on numbers of children placed in Temporary or Emergency Placements, as referenced in Section IV(E) 4-5 of the Final Settlement Agreement (Dkt. No. 32-1 at 12) and defined at Section II (H). (*Id.* at 4).

10. Monthly data on the number of unfilled foster care positions from December 1, 2022 to the present and indicate which of these openings are in positions funded as of June 30, 2022 and those funded on or after July 1, 2022.

11. Set forth in detail the programs and actions DSS has taken and proposed programs and actions DSS is planning to take to address staff attrition. Set forth the schedule for implementation of any proposed plans and actions.

12. Set forth in detail DSS programs and actions presently in place and proposed plans and actions DSS is planning to take to recruit new foster care staff. Set forth the schedule for implementation of any proposed plans and actions.

13. Set forth in detail the status of plans to partner with colleges and universities to offer existing foster care staff opportunities to earn BSW and MSW degrees and the schedule for implementation of such plans. Additionally, provide details regarding tuition support, contracts conditioned on continued employment, and other features of such an educational advancement program.

14. Provide monthly data from December 1, 2022 to the present on the following:

- A. The percentage of worker-child visitations that met the monthly interim benchmarks;
- B. The percentage of family visitations that met the interim benchmarks; and

- C. The percentage of sibling visitations that met the interim benchmarks.

Additionally, provide details of any action DSS has implemented to confirm the reliability of visitation data and to monitor compliance with case worker obligations by supervisory staff to meet the benchmarks for mandated visitations under the Final Settlement Agreement.

15. Provide the Court in detail the agency's efforts to document the distance between a foster child's placement and the child's home and describe how that information might be used to facilitate, where reasonably possible, local placements for foster children.

16. Provide the Court in detail the agency's efforts to improve, promote, and expand merit pay for foster care staff to assist in reducing staff attrition.

17. Provide the Court an update on the agency's efforts to adopt and implement a Kin-Gap program.

18. The Court discussed at the August 3, 2023 status conference ongoing efforts to expand the array of mental health, in-home, and community based services to support foster parents and to stabilize placements. Set forth in detail the following:

- A. The status of efforts to obtain expanded Medicaid funding for in home and community based mental health services;
- B. The status of discussions and actions with the Department of Mental Health, South Carolina Department of Disabilities and Special Needs, Department of Health and Human Services, and other state agencies with overlapping responsibilities for children in the foster care system;

- C. The status of efforts to engage provide providers to deliver these services; and
- D. Other DSS efforts to deliver more extensive and appropriate mental health and other services to treat the *Michelle H* class and to stabilize placements.

19. The Court discussed at the August 3, 2023 status conference challenges with meeting family visit benchmarks under the Final Settlement Agreement and the potential need to provide caseworkers more logistical support from providers and other agency staff in scheduling, transporting, and (where necessary) attending family visitations. Set forth in detail plans and actions of DSS in providing additional support to caseworkers with family visitations and other plans and actions to comply with the family visitation requirements of the Final Settlement Agreement.

**AND IT IS SO ORDERED.**

s/ Richard Mark Gergel  
Richard Mark Gergel  
United States District Judge

August 3, 2023  
Charleston, South Carolina